IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 36145 of 2007(C)

PETITIONER:

U.SUGUNA SHENOY ,S/O. LATE UPENDRA
SHENOY, NEAR RADHA CLINIC, PAYYANNUR, KANNUR.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS:

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1. PAYYANNUR MUNICIPALITY
REP.BY ITS SCRETARY,
PAYYANNUR, KANNUR.

2. TRIBUNAL FOR LOCAL SELF GOVERNMENT
INSTITUTION,THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 36145 OF 2007

Dated this the 6th day of December, 2007

JUDGMENT

Having regard to the various submissions and having noticed that the appeal is barred by limitation and is not ordinarily entertainable, I am of the view that, considering the direction issued by this Court while passing Ext.P4 which was issued after hearing the Municipality also and the circumstances which attend on this case, the Tribunal should entertain the appeal which the petitioner attempted to file before the Tribunal(referred to in Ext.P5). Accordingly, I quash Ext.P5 and direct the Tribunal for Local Self Government Institutions to register the appeal, entertain the same and dispose of the same in accordance with law at the earliest and at any rate within three months of receiving copy of this judgment. Considering the above directions, the Municipality is directed not to implement Ext.P3 for a period of one month from today.

PIUS C. KURIAKOSE, JUDGE

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